

SENATE JOURNAL**January 24, 2005****EIGHTH DAY**

The Senate was called to order at 10:10 a.m., with President John Valentine presiding.

Prayer – Senator Paula Julander

Pledge of Allegiance – Senator Tom Hatch

Roll Call – All Senators present except Senator Dmitrich, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 8)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 21, 2005

The House passed, as amended, **H.B. 24**, TRAFFIC CODE AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 30**, CONSUMER SALES PRACTICES ACT AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 52**, FIRE PREVENTION AMENDMENTS, by Representative J. Murray, and it is transmitted for consideration; and

The House passed **H.C.R. 9**, RESOLUTION HONORING OUTGOING USU PRESIDENT KERMIT L. HALL, by Representative F. Hunsaker, and it is transmitted for consideration; and

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 24**, **H.B. 30**, **H.B. 52**, and **H.C.R. 9** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 21, 2005

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

- S.B. 48** Insurance Cancellation and Nonrenewal Restrictions
(Sen. P. Arent)
- H.B. 26** Conveyances of Property (Rep. J. S. Adams)

Government Operations and Political Subdivisions Committee

- H.B. 15** Repeal of State Debt Collection Advisory Board
(Rep. D. Aagard)
- H.B. 19** Procurement Code Renumbering (Rep. R. Bigelow)
- H.B. 37** Administrative Rules Reauthorization (Rep. D. Ure)

Health and Human Services Committee

- S.B. 132** Health Care Consumer's Report (Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal Justice Committee

- S.B. 47** Wrongful Lien Offenses (Sen. B. Evans)
- S.B. 130** Retirement for Airport Police (Sen. M. Dmitrich)
- S.B. 131** Authorization for Additional Judicial Position
(Sen. M. Madsen)

Natural Resources, Agriculture, and Environment Committee

- S.B. 129** Brine Shrimp Royalty Act Amendments (Sen. T. Hatch)

Revenue and Taxation Committee

- S.B. 127** Tax, Fee, or Charge Amendments (Sen. L. Hillyard)
- S.B. 128** Calculation of Interest on Tax Overpayments
(Sen. H. Stephenson)
- S.B. 133** Individual Income Tax – Return Filing Requirements
(Sen. H. Stephenson)
- H.B. 20** Calling Local Special Elections for Sales and Use Tax
Purposes (Rep. S. Clark)

Transportation, Public Utilities and Technology Committee

- S.B. 49** Motor Vehicle Liability Coverage Amendments
(Sen. D. Eastman)
- H.B. 16** Repeal of Vehicle Equipment Safety Commission
(Rep. N. Hendrickson)

Michael Waddoups
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.

S.B. 134 — POWERSPORT VEHICLE FRANCHISE ACT (<i>D. Eastman</i>)	
Read the first time by short title and referred to the Rules Committee.	124
S.C.R. 1 — RESOLUTION ENCOURAGING MANAGED LANES STUDY (<i>C. Walker</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Placed on calendar	29
Read the second and third time	32
Transmitted to the House	33
S.C.R. 3 — RESOLUTION HONORING SEARCHERS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Placed on calendar	29
Read the second and third time	30
Transmitted to the House	30
Signed by the President and transmitted to the Governor	45
S.C.R. 4 — RESOLUTION APPROVING UTAH RECREATIONAL LAND EXCHANGE (<i>B. Evans</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	60
Committee report adopted and placed on calendar	124
S.J.R. 1 — JOINT RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE AUDITOR GENERAL (<i>J. Valentine</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Placed on calendar	29
Read the second and third time	33
Transmitted to the House	33
Signed by the President and transmitted to the Governor	59
S.J.R. 2 — RESOLUTION ON PROPERTY TAX FOR CERTAIN PERSONAL PROPERTY (<i>J. Hickman</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	28
S.J.R. 3 — RESOLUTION ENCOURAGING MEDIATION (<i>C. Walker</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	27
Placed on calendar	80
S.J.R. 4 — JOINT RULES RESOLUTION – INTERIM RULES RECODIFICATION (<i>M. Waddoups</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Placed on calendar	61
Read the second time	84
Read the third time	99
Transmitted to the House	99
S.J.R. 5 — RESOLUTION APPROVING CONTRACT FOR STATE CAPITOL RENOVATION (<i>L. A. Mansell</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Placed on calendar	29
Read the second and third time	31
Transmitted to the House	31
Signed by the President and transmitted to the Governor	73
S.J.R. 6 — SPACE EXPLORATION RESOLUTION (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee.	80
Assigned to standing committee	97
S.J.R. 7 — RESOLUTION RECOGNIZING RONALD REAGAN DAY (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee.	80
Assigned to standing committee	96
S.R. 1 — SENATE RESOLUTION DISCOURAGING PARTICIPATION IN FREE TRADE AREA OF THE AMERICAS (<i>D. Thomas</i>)	
Read the first time by short title and referred to the Rules Committee.	80
Assigned to standing committee	96

S.B. 114 — COUNTY AND MUNICIPAL ZONING REGARDING BILLBOARDS (<i>M. Waddoups</i>)	
Read the first time by short title and referred to the Rules Committee.	45
Assigned to standing committee	60
S.B. 115 — PERMANENT TOTAL DISABILITY AMENDMENTS (<i>E. Mayne</i>)	
Read the first time by short title and referred to the Rules Committee.	46
Assigned to standing committee	60
Committee report adopted and placed on calendar	124
S.B. 116 — ARBITRATION – USE OF SUBPOENA AUTHORIZED (<i>D. Eastman</i>)	
Read the first time by short title and referred to the Rules Committee.	63
Assigned to standing committee	74
Committee report adopted and placed on calendar	124
S.B. 117 — REPEAL OF UTAH TOMORROW STRATEGIC PLANNING COMMITTEE (<i>M. Waddoups</i>)	
Read the first time by short title and referred to the Rules Committee.	63
Assigned to standing committee	74
S.B. 118 — IDENTITY FRAUD AMENDMENTS (<i>C. Walker</i>)	
Read the first time by short title and referred to the Rules Committee.	63
Assigned to standing committee	74
Committee report adopted and placed on calendar	124
S.B. 119 — RURAL MEDICAL RESIDENCY TRAINING PROGRAMS (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee.	63
Assigned to standing committee	74
S.B. 120 — ALLOCATION OF PROFITS FROM SCHOOL AND INSTITUTIONAL TRUST LANDS (<i>T. Hatch</i>)	
Read the first time by short title and referred to the Rules Committee.	80
Assigned to standing committee	96
Amendments	121
Committee report adopted and placed on calendar	124
S.B. 121 — PROPERTY TAX EXEMPTION AMENDMENTS (<i>C. Bramble</i>)	
Read the first time by short title and referred to the Rules Committee.	80
Assigned to standing committee	96
S.B. 122 — NONRESIDENT TUITION WAIVER FOR JOB CORPS STUDENTS (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	80
Assigned to standing committee	96
Substituted	122
1st Sub. S.B. 122 — RESIDENT TUITION STATUS FOR JOB CORPS STUDENTS (<i>G. Bell</i>)	
Committee report adopted and placed on calendar	124
S.B. 123 — GOVERNMENTAL IMMUNITY ACT – TECHNICAL AMENDMENTS (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	80
Assigned to standing committee	96
S.B. 124 — MOTOR VEHICLE INSURANCE – PROPERTY DAMAGE LIMIT (<i>S. Jenkins</i>)	
Read the first time by short title and referred to the Rules Committee.	80
Assigned to standing committee	97
S.B. 125 — AMENDMENTS TO INDIVIDUAL INCOME TAX CREDIT FOR SPECIAL NEEDS ADOPTIONS (<i>P. Hellewell</i>)	
Read the first time by short title and referred to the Rules Committee.	80
Assigned to standing committee	97
S.B. 126 — MEDICAL BENEFITS RECOVERY ACT AMENDMENTS (<i>S. Killpack</i>)	
Read the first time by short title and referred to the Rules Committee.	80
Assigned to standing committee	96
S.B. 127 — TAX, FEE, OR CHARGE AMENDMENTS (<i>L. Hilyard</i>)	
Read the first time by short title and referred to the Rules Committee.	98
Assigned to standing committee	120
S.B. 128 — CALCULATION OF INTEREST ON TAX OVERPAYMENTS (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	98
Assigned to standing committee	120
S.B. 129 — BRINE SHRIMP ROYALTY ACT AMENDMENTS (<i>T. Hatch</i>)	
Read the first time by short title and referred to the Rules Committee.	98
Assigned to standing committee	120
S.B. 130 — RETIREMENT FOR AIRPORT POLICE (<i>M. Dmitrich</i>)	
Read the first time by short title and referred to the Rules Committee.	98
Assigned to standing committee	120
S.B. 131 — AUTHORIZATION FOR ADDITIONAL JUDICIAL POSITION (<i>M. Madsen</i>)	
Read the first time by short title and referred to the Rules Committee.	98
Assigned to standing committee	120
S.B. 132 — HEALTH CARE CONSUMER'S REPORT (<i>A. Christensen</i>)	
Read the first time by short title and referred to the Rules Committee.	98
Assigned to standing committee	120
S.B. 133 — INDIVIDUAL INCOME TAX – RETURN FILING REQUIREMENTS (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	99
Assigned to standing committee	120

STANDING COMMITTEE REPORTS

Mr. President: January 21, 2005

The Business and Labor Committee reports a favorable recommendation on **S.B. 40**, REGULATION OF TITLE INSURANCE INDUSTRY, by Senator T. Hatch; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 87**, RESIDENCE LIEN RESTRICTION AND LIEN RECOVERY FUND AMENDMENTS, by Senator D. Thomas; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 115**, PERMANENT TOTAL DISABILITY AMENDMENTS, by Senator E. Mayne.

Scott K. Jenkins, Chair

Mr. President: January 21, 2005

The Health and Human Services Committee reports a favorable recommendation on **S.B. 77**, AMENDMENTS TO INDOOR CLEAN AIR ACT, by Senator M. Waddoups, with the following amendments:

1. Page 2, Lines 32 through 33:

32 (1) {~~Smoking~~} Except as provided in Subsection
(2), smoking is prohibited ;
 (a) in all enclosed indoor places of public access and publicly
33 owned buildings and offices {~~—, except under Subsection~~
(2)—} ; and
 (b) in private clubs as defined in Section 26–38–2; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 89**, MUTUAL DEPENDENCE BENEFITS CONTRACT, by Senator G. Bell; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 112**, CHILD PROTECTION AMENDMENTS, by Senator G. Bell.

Allen M. Christensen, Chair

Mr. President: January 21, 2005

The Education Committee reports a favorable recommendation on **S.B. 120**, ALLOCATION OF PROFITS FROM SCHOOL AND INSTITUTIONAL TRUST LANDS, by Senator T. Hatch, with the following amendments:

1. Page 2, Line 29:

29 Utah Enabling Act, Section 12, Utah Constitution Article X,
Section 7, Utah Constitution Article XX; and

The Education Committee recommends **S.B. 122**, NONRESIDENT TUITION WAIVER FOR JOB CORPS STUDENTS, by Senator G. Bell, be replaced and favorably recommends **1st Sub. S.B. 122**, RESIDENT TUITION STATUS FOR JOB CORPS STUDENTS; and

The Education Committee reports a favorable recommendation on **S.C.R. 4**, RESOLUTION APPROVING UTAH RECREATIONAL LAND EXCHANGE, by Senator B. Evans.

D. Chris Butters, Acting Chair

Mr. President: January 21, 2005

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 4**, UNINSURED MOTORIST PROPERTY DAMAGE COVERAGE AMENDMENTS, by Senator D. Eastman; and

The Transportation and Public Utilities and Technology Committee recommends **S.B. 26**, PUBLIC UTILITIES AMENDMENTS, by Senator G. Bell, be replaced and favorably recommends **1st Sub. S.B. 26**, PUBLIC UTILITIES AMENDMENTS with the following amendments:

1. Page 19, Lines 559 through 567:

559 (2) (a) “Resource decision” means a decision, other than a
decision to construct or acquire

560 a significant energy resource, involving:

561 {-(a)} (i) an energy utility’s acquisition,
management, or operation of energy production,

562 processing, transmission, or distribution facilities or processes
including:

563 {-(i)} (A) a facility or process for the efficient,
reliable, or safe provision of energy to retail

564 customers; or

565 {-(ii)} (B) an energy efficiency and conservation
program; or

Assigned to standing committee	28
Committee report adopted and placed on calendar	124
S.B. 99 — DAMAGES FOR TRESPASS IN STATE PARKS (T. Hatch)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	28
S.B. 100 — ACCESS TO HIGH SPEED INTERNET AT STATE CAPITOL COMPLEX (S. Killpack)	
Read the first time by short title and referred to the Rules Committee.	17
Placed on calendar	29
Read the second time	31
Circled	31
Uncircled	31
Amendments	31
Read the second and third time	32
Transmitted to the House	32
Signed by the President and transmitted to the Governor	59
S.B. 101 — UTAH ADMINISTRATIVE RULEMAKING ACT REVISION (H. Stephenson)	
Read the first time by short title and referred to the Rules Committee.	17
Placed on calendar	29
Read the second time	52
Read the third time	65
Transmitted to the House	65
S.B. 102 — LOBBYIST REPORTING AMENDMENTS (G. Bell)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	27
S.B. 103 — LIENS ON AIRCRAFT (T. Hatch)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	26
Placed on calendar	79
Read the second time	127
Amendments	127
S.B. 104 — JUDICIARY AMENDMENTS (L. Hillyard)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	27
Substituted	123
1st Sub. S.B. 104 — JUDICIARY AMENDMENTS (L. Hillyard)	
Committee report adopted and placed on calendar	124
S.B. 105 — JUDGMENT INTEREST RATE (S. Jenkins)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	27
S.B. 106 — UTAH RELIGIOUS LAND USE ACT (D. Thomas)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	27
S.B. 107 — LICENSURE AND REGULATION OF PROGRAMS AND FACILITIES (T. Hatch)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	27
S.B. 108 — TELECOMMUNICATIONS REVISIONS (C. Bramble)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	28
Substituted	123
1st Sub. S.B. 108 — TELECOMMUNICATIONS REVISIONS . Bramble)	
Amendments	123
Committee report adopted and placed on calendar	124
S.B. 109 — SAFETY BELT ENFORCEMENT (K. Hale)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	61
S.B. 110 — MEDICAL DEVICE NOTIFICATION AND LIABILITY (D. C. Butters)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	60
S.B. 111 — AMENDMENTS PROHIBITING HEALTH INSURANCE DISCRIMINATION (P. Julander)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	74
S.B. 112 — CHILD PROTECTION AMENDMENTS (G. Bell)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	60
Committee report adopted and placed on calendar	124
S.B. 113 — EMPLOYEE NONCOMPETITION CONTRACTS (E. Mayne)	
Read the first time by short title and referred to the Rules Committee.	45
Assigned to standing committee	60

S.B. 82 — INDIVIDUAL INCOME TAX – EARNED INCOME TAX CREDIT (<i>T. Hatch</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	28
S.B. 83 — MEDICAL DECISIONS OF A PARENT OR GUARDIAN (<i>D. Thomas</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	27
Placed on calendar	79
Read the second time	128
Amendments	128
S.B. 84 — DO NOT CALL REGISTRY AMENDMENTS (<i>D. Thomas</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	28
S.B. 85 — FEDERAL RESEARCH COMMITTEE (<i>G. Davis</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	27
S.B. 86 — 2004 GENERAL OBLIGATION BOND AMENDMENTS (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	27
Amendments	97
Committee report adopted and placed on calendar	98
S.B. 87 — RESIDENCE LIEN RESTRICTION AND LIEN RECOVERY FUND AMENDMENTS (<i>D. Thomas</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	26
Committee report adopted and placed on calendar	124
S.B. 88 — CREATION OF LOCAL DISTRICTS (<i>C. Walker</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	27
Committee report adopted and placed on calendar	98
S.B. 89 — MUTUAL DEPENDENCE BENEFITS CONTRACT (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	27
Committee report adopted and placed on calendar	124
S.B. 90 — COUNTY OFFICERS SERVING ON BOARDS OF COUNTY MENTAL HEALTH AND SUBSTANCE ABUSE PROVIDERS (<i>D. Thomas</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	27
Committee report adopted and placed on calendar	98
S.B. 91 — INTERSTATE JUVENILE COMPACT (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	27
Placed on calendar	80
S.B. 92 — UTAH ATTORNEY'S FEES RECOVERY ACT (<i>D. Thomas</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	27
S.B. 93 — CHILDREN'S JUSTICE CENTER ADDITION (<i>T. Hatch</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	27
Placed on calendar	80
S.B. 94 — RESTITUTION AMENDMENTS (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	27
Placed on calendar	80
S.B. 95 — OFFICE OF MUSEUM SERVICES AMENDMENTS (<i>R. Allen</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	28
Committee report adopted and placed on calendar	63
Read the second time	87
Read the third time	103
Transmitted to the House	103
S.B. 96 — COMMERCE SERVICE FUND AMENDMENTS (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	26
S.B. 97 — CONSOLIDATION OF CITY AND COUNTY LIBRARY (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	27
Amendments	97
Committee report adopted and placed on calendar	98
S.B. 98 — MOTOR VEHICLE REGISTRATION AND TITLE AMENDMENTS (<i>S. Killpack</i>)	
Read the first time by short title and referred to the Rules Committee.	17

566 {~~-(b)~~} (ii) a decision determined by the commission
to be appropriate for review under this

567 part.

(b) The commission may adopt rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, to specify the nature of resource decisions subject to approval under Section 54-17-402.

; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 98**, MOTOR VEHICLE REGISTRATION AND TITLE AMENDMENTS, by Senator S. Killpack; and

The Transportation and Public Utilities and Technology Committee recommends **S.B. 108**, TELECOMMUNICATIONS REVISIONS, by Senator C. Bramble, be replaced and favorably recommends **1st Sub. S.B. 108**, TELECOMMUNICATIONS REVISIONS with the following amendments:

1. Page 4, line 107:

After “**services;**” delete “**and**”

2. Page 4, line 108:

After “**commission**” delete “**;**”

Insert “**; and**”

3. Page 4, line 108:

After line 108, insert “**(m) no feature.**”

Sheldon L. Killpack, Chair

Mr. President:

January 21, 2005

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 43**, PENALTY FOR PROVIDING FALSE INFORMATION TO STATE AGENCY, by Senator P. Hellewell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 104**, JUDICIARY AMENDMENTS, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 104**, JUDICIARY AMENDMENTS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 116**, ARBITRATION – USE OF SUBPOENA AUTHORIZED, by Senator D. Eastman; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 118, IDENTITY FRAUD AMENDMENTS**, by Senator C. Walker.

D. Chris Buttars, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 40, S.B. 87, S.B. 115, S.B. 77**, as amended, **S.B. 89, S.B. 112, S.B. 120**, as amended, **1st Sub. S.B. 122, S.C.R. 4, S.B. 4, 1st Sub. S.B. 26**, as amended, **S.B. 98, 1st Sub. S.B. 108**, as amended, **S.B. 43, 1st Sub. S.B. 104, S.B. 116**, and **S.B. 118** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 50, Controlled Substance Amendments (P. Julander), read the first time by short title and referred to the Rules Committee.

S.B. 51, New Motor Vehicle Franchise Act Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 134, Powersport Vehicle Franchise Act (D. Eastman), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 21, LIMITATION ON LIABILITY REGARDING LIQUEFIED PETROLEUM, was read the third time and explained by Senator Eastman. Senators Hillyard, Stephenson, Buttars, Madsen, and Bell commented and the bill passed on the following roll call:

Yeas, 17; Nays, 11; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Eastman
Evans	Hatch	Hellewell	Hickman
Jenkins	Killpack	Knudson	Mansell
Peterson	Thomas	Waddoups	Walker
Valentine			

Voting in the negative were: Senators

Allen	Arent	Bell	Davis
Fife	Hale	Hillyard	Julander
Madsen	Mayne	Stephenson	

Assigned to standing committee	60
Committee report adopted and placed on calendar	124
S.B. 44 — GOVERNMENT RECORDS AMENDMENTS (C. Walker)	
Read the first time by short title and referred to the Rules Committee	45
Assigned to standing committee	60
S.B. 45 — CHARITABLE PURPOSE DETERMINATION (P. Hellewell)	
Read the first time by short title and referred to the Rules Committee	63
Assigned to standing committee	74
S.B. 46 — PRESCRIPTIVE PRACTICE OF LEGEND DRUGS (P. Knudson)	
Read the first time by short title and referred to the Rules Committee	63
Assigned to standing committee	74
S.B. 47 — WRONGFUL LIEN OFFENSES (B. Evans)	
Read the first time by short title and referred to the Rules Committee	98
Assigned to standing committee	120
S.B. 48 — INSURANCE CANCELLATION AND NONRENEWAL RESTRICTIONS (P. Arent)	
Read the first time by short title and referred to the Rules Committee	98
Assigned to standing committee	120
S.B. 49 — MOTOR VEHICLE LIABILITY COVERAGE AMENDMENTS (D. Eastman)	
Read the first time by short title and referred to the Rules Committee	98
Assigned to standing committee	120
S.B. 50 — CONTROLLED SUBSTANCE AMENDMENTS (P. Julander)	
Read the first time by short title and referred to the Rules Committee	124
S.B. 51 — NEW MOTOR VEHICLE FRANCHISE ACT AMENDMENTS (D. Eastman)	
Read the first time by short title and referred to the Rules Committee	124
S.B. 73 — TAMPERING WITH EVIDENCE (D. C. Buttars)	
Read the first time by short title and referred to the Rules Committee	80
Assigned to standing committee	96
S.B. 74 — MEDICAL RESERVE CORPS (L. Hillyard)	
Read the first time by short title and referred to the Rules Committee	80
Assigned to standing committee	96
S.B. 75 — PUBLIC SAFETY DATABASE AMENDMENTS (M. Waddoups)	
Read the first time by short title and referred to the Rules Committee	80
Assigned to standing committee	96
S.B. 76 — AMENDMENTS TO NAVAJO TRUST FUND (B. Evans)	
Read the first time by short title and referred to the Rules Committee	15
Assigned to standing committee	26
Committee report adopted and placed on calendar	63
Read the second time	85
Read the third time	100
Transmitted to the House	100
S.B. 77 — AMENDMENTS TO INDOOR CLEAN AIR ACT (M. Waddoups)	
Read the first time by short title and referred to the Rules Committee	15
Assigned to standing committee	27
Amendments	121
Committee report adopted and placed on calendar	124
S.B. 78 — OPTIONAL FORMS OF COUNTY GOVERNMENT AMENDMENT (D. Thomas)	
Read the first time by short title and referred to the Rules Committee	15
Assigned to standing committee	26
Committee report adopted and placed on calendar	63
Read the second time	85
Read the third time	100
Transmitted to the House	101
S.B. 79 — EXTENSION OF SUNSET DATE ON RESOURCE DEVELOPMENT COORDINATING COMMITTEE (B. Evans)	
Read the first time by short title and referred to the Rules Committee	15
Assigned to standing committee	27
Placed on calendar	79
Amendments	75
Read the second time	131
Circled	131
S.B. 80 — SPECIAL SERVICE DISTRICTS – SERVICE EXPANSION (M. Dmitrich)	
Read the first time by short title and referred to the Rules Committee	16
Assigned to standing committee	27
S.B. 81 — LOCAL GOVERNMENT APPROVAL FOR SOLID NONHAZARDOUS AND HAZARDOUS WASTE DISPOSAL (B. Evans)	
Read the first time by short title and referred to the Rules Committee	16
Assigned to standing committee	27
Placed on calendar	79
Read the second time	131
Circled	131

S.B. 27 — SUNSET REAUTHORIZATIONS (<i>L. A. Mansell</i>)	
Read the first time by short title and referred to the Rules Committee.	14
Placed on calendar	29
Read the second time	51
Circled	51
Uncircled	126
S.B. 28 — REAUTHORIZATION OF ENERGY POLICY TASK FORCE (<i>D. Eastman</i>)	
Read the first time by short title and referred to the Rules Committee.	14
Placed on calendar	29
Read the second time	51
Returned to the Rules Committee	51
S.B. 29 — LICENSING OF CRANE OPERATORS (<i>G. Davis</i>)	
Read the first time by short title and referred to the Rules Committee.	14
Assigned to standing committee	26
S.B. 30 — AMENDMENTS TO SEARCH WARRANTS (<i>D. Thomas</i>)	
Read the first time by short title and referred to the Rules Committee.	14
Assigned to standing committee	27
Placed on calendar	80
S.B. 31 — LOCAL GOVERNMENT AMENDMENTS (<i>D. Thomas</i>)	
Read the first time by short title and referred to the Rules Committee.	14
Assigned to standing committee	26
S.B. 32 — LIMITATION OF LANDOWNER LIABILITY FOR PUBLIC RECREATION (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	14
Assigned to standing committee	26
Placed on calendar	79
Read the second time	125
Amendments	125
S.B. 33 — EXEMPTIONS TO RESIDENTIAL PROPERTY TAX (<i>E. Mayne</i>)	
Read the first time by short title and referred to the Rules Committee.	14
Assigned to standing committee	28
S.B. 34 — PATIENT ACCESS REFORM (<i>P. Hellewell</i>)	
Read the first time by short title and referred to the Rules Committee.	15
Assigned to standing committee	60
S.B. 35 — VENTURE CAPITAL FUNDING AMENDMENTS (<i>D. Thomas</i>)	
Read the first time by short title and referred to the Rules Committee.	15
Assigned to standing committee	28
Committee report adopted and placed on calendar	63
Read the second time	87
Circled	87
S.B. 36 — SALES AND USE TAXATION OF PAWN TRANSACTIONS (<i>R. Allen</i>)	
Read the first time by short title and referred to the Rules Committee.	15
Assigned to standing committee	28
Amendments	61
Committee report adopted and placed on calendar	63
Read the second time	86
Read the third time	101
Transmitted to the House	101
S.B. 37 — MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS (<i>D. Eastman</i>)	
Read the first time by short title and referred to the Rules Committee.	15
Assigned to standing committee	28
Placed on calendar	80
Amendments	76
S.B. 38 — GARNISHMENT BY DEFERRED DEPOSIT LENDERS (<i>R. Allen</i>)	
Read the first time by short title and referred to the Rules Committee.	15
Assigned to standing committee	26
S.B. 39 — CONSUMER CREDIT PROTECTION (<i>C. Walker</i>)	
Read the first time by short title and referred to the Rules Committee.	15
Assigned to standing committee	26
S.B. 40 — REGULATION OF TITLE INSURANCE INDUSTRY (<i>T. Hatch</i>)	
Read the first time by short title and referred to the Rules Committee.	15
Assigned to standing committee	60
Committee report adopted and placed on calendar	124
S.B. 41 — SCHOOL AND INSTITUTIONAL TRUST LANDS MANAGEMENT ACT REVISIONS (<i>M. Dmitrich</i>)	
Read the first time by short title and referred to the Rules Committee.	15
Assigned to standing committee	60
S.B. 42 — ALCOHOL RESTRICTED DRIVERS (<i>C. Walker</i>)	
Read the first time by short title and referred to the Rules Committee.	15, 45
Assigned to standing committee	60
S.B. 43 — PENALTY FOR PROVIDING FALSE INFORMATION TO STATE AGENCY (<i>P. Hellewell</i>)	
Read the first time by short title and referred to the Rules Committee.	15, 45

Absent or not voting was: Senator
Dmitrich

S.B. 21 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 32, LIMITATION OF LANDOWNER LIABILITY FOR PUBLIC RECREATION, was read the second time. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 1, Line 17

17 • riding certain rail cars {~~or other recreational rail conveyances~~} on a narrow gauge track ;

2. Page 1, Lines 18 through 23:

18 ► provides that the state or a subdivision of the state is not considered to have charged

19 an admission fee for use of a railway corridor if the state or a political subdivision

20 of the state owns the railway corridor, allows recreational use of the corridor, and

21 does not charge a fee for that use, even if the user pays a fee to travel on a privately

22 owned rail car {~~or other recreational conveyance~~} that crosses over the railway

23 corridor; and

3. Page 3, Line 59:

59 (o) riding narrow gauge rail cars {~~or other recreational rail conveyances~~} on a narrow gauge track that does not exceed 24 inch gauge ;

4. Page 3, Line 86 through Page 4, Line 92:

86 (5) The state or a subdivision of the state that owns property purchased for a railway

87 corridor is considered not to have charged for use of the railway corridor within the meaning of

- 88 Subsection (1)(c), even if the user pays a fee for travel on a privately owned rail car {~~-or other~~
- 89 ~~recreational rail conveyance~~ } that crosses or travels over the railway corridor if the state or a
- 90 subdivision of the state:
- 91 (a) allows recreational use of the railway corridor and its surrounding area; and
- 92 (b) does not charge a fee for that use.

Senator Bell's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Christensen	Davis	Eastman
Evans	Fife	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Madsen
Mansell	Mayne	Peterson	Stephenson
Thomas	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Dmitrich

* * *

On motion of Senator Mansell, the circle was removed from **S.B. 27**, SUNSET REAUTHORIZATIONS, and it was before the Senate. Senator Mansell explained the bill.

Senator Bell proposed Amendment 2 dated January 17, 2005 at 4:16 p.m. After comments by Senators Thomas, Hickman, and Mansell, Senator Bell withdrew his motion to amend. Senator Jenkins commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Christensen	Eastman	Evans

Assigned to standing committee	28
Committee report adopted and placed on calendar	63
Read the second time	87
Read the third time	102
Transmitted to the House	103
S.B. 17 — FOSTER CARE CITIZEN REVIEW BOARD (D. Eastman)	
Read the first time by short title and referred to the Rules Committee.	13
Placed on calendar	29
Read the second time	36
Read the third time	47
Transmitted to the House	47
S.B. 18 — REGULATING PROPRIETARY POSTSECONDARY SCHOOLS (D. Eastman)	
Read the first time by short title and referred to the Rules Committee.	13
Placed on calendar	29
Read the second time	37
Read the third time	48
Transmitted to the House	48
S.B. 19 — DISEASE TESTING OF INDIVIDUALS EXPOSED TO BLOOD BORNE PATHOGENS (P. Julander)	
Read the first time by short title and referred to the Rules Committee.	13
Assigned to standing committee	27
S.B. 20 — OFFICE OF LEGISLATIVE AUDITOR – ACCESS TO INFORMATION (M. Waddoups)	
Read the first time by short title and referred to the Rules Committee.	14
Placed on calendar	29
Read the second time	48
Read the third time	63
Transmitted to the House	64
S.B. 21 — LIMITATION ON LIABILITY REGARDING LIQUEFIED PETROLEUM GAS (D. Eastman)	
Read the first time by short title and referred to the Rules Committee.	14
Assigned to standing committee	26
Placed on calendar	79
Amendments	75
Amendment	104
Read the third time	124
Transmitted to the House	125
S.B. 22 — DRUG OFFENDER REFORM ACT (D. C. Buttars)	
Read the first time by short title and referred to the Rules Committee.	14
Placed on calendar	29
Read the second time	49
Read the third time	64
Circled	64
Uncircled	81
Amendments	81
Transmitted to the House	84
S.B. 23 — PROPERTY TAX TREATMENT OF TANGIBLE PERSONAL PROPERTY (C. Bramble)	
Read the first time by short title and referred to the Rules Committee.	14
Placed on calendar	29
Read the second time	49
Amendments	50
Read the third time	65
Circled	65
Uncircled	100
Substituted	100
1st Sub. S.B. 23 — PROPERTY TAX TREATMENT OF TANGIBLE PERSONAL PROPERTY (C. Bramble)	
Circled	100
Uncircled	103
Transmitted to the House	104
S.B. 24 — WASTE AMENDMENTS (C. Bramble)	
Read the first time by short title and referred to the Rules Committee.	14
Assigned to standing committee	28
Committee report adopted and placed on calendar	63
Read the second time	86
Circled	86
Uncircled	128
S.B. 25 — TRANSPORTATION AMENDMENTS AND HIGHWAY JURISDICTIONAL TRANSFER TASK FORCE (C. Walker)	
Read the first time by short title and referred to the Rules Committee.	14
Assigned to standing committee	28
S.B. 26 — PUBLIC UTILITIES AMENDMENTS (G. Bell)	
Read the first time by short title and referred to the Rules Committee.	14
Assigned to standing committee	28
Substituted	122
1st Sub. S.B. 26 — PUBLIC UTILITIES AMENDMENTS (G. Bell)	
Amendments	122
Committee report adopted and placed on calendar	124

S.B. 5 — TRAFFIC CODE RECODIFICATION AND REVISIONS (<i>S. Killpack</i>)	
Read the first time by short title and referred to the Rules Committee.	12
Placed on calendar	29
Read the second time	33
Amendments	33
Read the third time	46
Transmitted to the House	46
S.B. 6 — SALES AND USE TAX AGRICULTURE EXEMPTIONS (<i>R. Allen</i>)	
Read the first time by short title and referred to the Rules Committee.	13
Placed on calendar	29
Read the second time	35
Read the third time	46
Transmitted to the House	47
S.B. 7 — FUNDING FOR TOURISM (<i>S. Jenkins</i>)	
Read the first time by short title and referred to the Rules Committee.	13
Assigned to standing committee	28
Amendments	62
Committee report adopted and placed on calendar	63
Read the second time	86
Read the third time	101
Amendments	101
Transmitted to the House	102
S.B. 8 — LOCAL CORRIDOR PRESERVATION FUNDING (<i>S. Killpack</i>)	
Read the first time by short title and referred to the Rules Committee.	13
Assigned to standing committee	28
Placed on calendar	79
Substituted	76
1st Sub. S.B. 8 — LOCAL CORRIDOR PRESERVATION FUNDING (<i>S. Killpack</i>)	
Read the second time	131
Circled	131
Amendments	131
S.B. 9 — AEROSPACE AND AVIATION DEVELOPMENT ZONE MODIFICATIONS (<i>M. Dmitrich</i>)	
Read the first time by short title and referred to the Rules Committee.	13
Placed on calendar	29
Read the second time	36
Circled	36
Uncircled	48
Read the third time	64
Transmitted to the House	64
S.B. 10 — LIABILITY REFORM ACT AMENDMENTS (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	13
Placed on calendar	29
Read the second time	36
Circled	36
S.B. 11 — INITIATIVE PETITIONS AMENDMENTS (<i>B. Evans</i>)	
Read the first time by short title and referred to the Rules Committee.	13
Assigned to standing committee	26
Committee report adopted and placed on calendar	63
Read the second time	85
Read the third time	99
Transmitted to the House	100
S.B. 12 — DEPARTMENT OF WORKFORCE SERVICES AMENDMENTS (<i>S. Jenkins</i>)	
Read the first time by short title and referred to the Rules Committee.	13
Placed on calendar	29
Read the second time	36
Read the third time	47
Transmitted to the House	47
S.B. 13 — INDIVIDUAL INCOME TAX – SUBTRACTION FOR CERTAIN MILITARY INCOME (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	13
Assigned to standing committee	28
S.B. 14 — UNIFORM PARENTAGE ACT (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	13
Assigned to standing committee	27
Placed on calendar	80
Amendments	77
S.B. 15 — CHILDREN'S JUSTICE CENTER AMENDMENTS (<i>D. C. Buttars</i>)	
Read the first time by short title and referred to the Rules Committee.	13
Assigned to standing committee	27
Placed on calendar	80
Amendments	77
S.B. 16 — DEPARTMENT OF WORKFORCE SERVICES – ACCESS TO FINANCIAL RECORDS (<i>S. Jenkins</i>)	
Read the first time by short title and referred to the Rules Committee.	13

Fife	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Madsen	Mansell
Mayne	Peterson	Stephenson	Thomas
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Davis Dmitrich

* * *

S.B. 103, LIENS ON AIRCRAFT, was read the second time. Senator Hatch explained the bill.

Senator Hatch proposed the following amendment:

1. Page 4, Lines 113 through 114

113 (2) A repairman may retain possession of the aircraft until the
amount due under

114 Subsection (1) is paid , subject to the rights and interests of any
secured party in the aircraft that has priority in accordance with
Section 38–13–205 over the lien imposed under this chapter unless
the secured party requested that the repairman make, alter, repair,
or perform labor on the aircraft .

2. Page 9, Lines 247 through 250:

247 38–13–205. Priority of liens.

248 {~~A~~} (1) Except as provided in Subsection (2), a
lien imposed under this chapter has priority over any lien, mortgage,
security interest,

249 or other encumbrance arising after the day on which the lien is
effective in accordance with

250 Section 38–13–201.

(2) The lien imposed under this chapter does not have priority
over a lien imposed pursuant to Title 59, Chapter 2, Property Tax
Act.

Senator Hatch's motion to amend passed on a voice vote. Senator Mansell commented. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Christensen	Davis	Eastman
Evans	Fife	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Madsen
Mansell	Mayne	Peterson	Stephenson
Thomas	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Dmitrich

* * *

On motion of Senator Bramble, the circle was removed from **S.B. 24, WASTE AMENDMENTS**, and it was before the Senate. Senator Bramble explained the bill. Senators Hillyard, Jenkins, and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Christensen	Davis	Eastman
Evans	Fife	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Madsen	Mayne
Peterson	Stephenson	Thomas	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Dmitrich Hatch Mansell

* * *

S.B. 83, MEDICAL DECISIONS OF A PARENT OR GUARDIAN, was read the second time. Senator Thomas explained the bill.

Senator Thomas proposed the following amendment:

1. Page 1, Lines 14 through 25:

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Assigned to standing committee	74
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Read for the first time and referred to the Rules Committee	74
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Read for the first time and referred to the Rules Committee	74
Assigned to standing committee	96
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Read for the first time and referred to the Rules Committee	96
Assigned to standing committee	120
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Read for the first time and referred to the Rules Committee	96
Assigned to standing committee	120
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Read for the first time and referred to the Rules Committee	96
Assigned to standing committee	120
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Read for the first time and referred to the Rules Committee	96
Assigned to standing committee	120
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Read for the first time and referred to the Rules Committee	119
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Assigned to standing committee	120
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Read for the first time and referred to the Rules Committee	119
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Read for the first time and referred to the Rules Committee	74
Assigned to standing committee	97
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H.C.R. 9 — RESOLUTION HONORING OUTGOING USU PRESIDENT KERMIT L. HALL (F. Hunsaker)	
Read for the first time and referred to the Rules Committee	119
H.J.R. 6 — RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES (M. Newbold)	
Read for the first time and referred to the Rules Committee	74
Assigned to standing committee	97
H.J.R. 8 — JOINT RULES RESOLUTION – USE OF LEGISLATIVE SEALS (R. Lockhart)	
Read for the first time and referred to the Rules Committee	74
Assigned to standing committee	97
H.J.R. 9 — RESOLUTION AMENDING JOINT RULES REGARDING CONFLICTS OF INTEREST (J. Dougall)	
Read for the first time and referred to the Rules Committee	96
S.B. 4 — UNINSURED MOTORIST PROPERTY DAMAGE COVERAGE AMENDMENTS (D. Eastman)	
Read the first time by short title and referred to the Rules Committee	12
Assigned to standing committee	28
Committee report adopted and placed on calendar	124

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 24, 2005

The House passed **H.C.R. 8**, RESOLUTION RECOGNIZING UTAH MANUFACTURERS ASSOCIATION, by Representative J. Alexander, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.C.R. 8** was read the first time and referred to the Rules Committee.

* * *

On motion of Senator Waddous, under suspension of the rules, **H.C.R. 8** RESOLUTION RECOGNIZING UTAH MANUFACTURERS ASSOCIATION, was lifted from Rules and placed at the top of the Second Reading Calendar.

On motion of Senator Waddoups, under suspension of the rules, **H.C.R. 8**, RESOLUTION RECOGNIZING UTAH MANUFACTURERS ASSOCIATION, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Christensen	Davis	Eastman
Fife	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Madsen	Mansell
Mayne	Peterson	Stephenson	Thomas
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Dmitrich Evans

H.C.R. 8 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Knudson and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Tuesday, January 25, 2005.

14 ► modifies provisions of Child and Family Services to provide that:

15 • a health care decision made by a child's parent or guardian does not constitute

16 neglect unless the state or other party to the proceeding shows, by clear and

17 convincing evidence, that the decision is not reasonable and prudent; and

18 • a parent or guardian has the right to a second {~~medical~~} health care opinion;

19 ► modifies the Licensing Information System portion of Child and Family Services to

20 provide that:

21 • a health care decision made by a child's parent or guardian does not constitute

22 severe child abuse or neglect unless the state or other party to the proceeding

23 shows, by clear and convincing evidence, that the decision is not reasonable and

24 prudent; and

25 • a parent or guardian retains the right to a second {~~medical~~} health care opinion;

2. Page 2, Lines 38 through 44:

38 ► modifies the Juvenile Court Act of 1996 to provide that a parent or guardian has the

39 right to a second {~~medical~~} health care opinion;

40 ► modifies the Termination of Parental Rights Act to provide that:

41 • a health care decision made by a child's parent does not constitute neglect

42 unless the state or other party to the proceeding shows, by clear and convincing

43 evidence, that the decision is not reasonable and prudent; and

44 • a parent has the right to a second
 {~~medical~~} health care opinion;

3. Page 6, Lines 153 through 154:

153 (ii) Nothing in Subsection (18)(d)(i) may prohibit a parent or guardian from exercising

154 the right to obtain a second {~~medical~~} health care
opinion.

4. Page 11, Lines 325 through 326:

325 (9) Nothing in Subsection (3)(c) may prohibit a parent or guardian from exercising the

326 right to obtain a second {~~medical~~} health care
opinion.

5. Page 17, Lines 519 through 520:

519 (v) Nothing in Subsection (1)(s)(iv) may prohibit a parent or guardian from exercising

520 the right to obtain a second {~~medical~~} health care
opinion.

6. Page 20, Lines 613 through 614:

613 (b) Nothing in Subsection (4)(a) may prohibit a parent from exercising the right to

614 obtain a second {~~medical~~} health care opinion.

Senator Thomas' motion to amend passed on a voice vote. Senators Davis, Knudson, Christensen, Walker, and Julander commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Christensen	Davis	Eastman
Fife	Hale	Hatch	Hellewell
Hickman	Jenkins	Julander	Killpack
Knudson	Madsen	Mansell	Mayne
Peterson	Stephenson	Thomas	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Dmitrich Evans Hillyard

* * *

S.B. 79, EXTENSION OF SUNSET DATE ON RESOURCE DEVELOPMENT COORDINATING COMMITTEE, was read the second time.

On motion of Senator Eastman, the bill was circled.

* * *

S.B. 81, LOCAL GOVERNMENT APPROVAL FOR SOLID NONHAZARDOUS AND HAZARDOUS WASTE DISPOSAL, was read the second time.

On motion of Senator Eastman, the bill was circled.

* * *

1st Sub. S.B. 8, LOCAL CORRIDOR PRESERVATION FUNDING, was read the second time. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 3, Lines 72 through 74

72 (c) A motor vehicle that is exempt from the registration fee under Section 41-1a-1209

73 or Subsection 41-1a-419(3) is also exempt from the local option transportation corridor

74 preservation fee required by this section.

(d) A commercial motor vehicle with an apportioned registration under Section 41-1a-301 is exempt from the local option transportation corridor preservation fee required by this section.

Senator Killpack's motion to amend passed on a voice vote. Senators Hillyard, Walker, Mansell, Stephenson, Hickman, and Thomas, commented.

On motion of Senator Killpack, the bill was circled.